

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

HAYWARD INDUSTRIES, INC.,

Plaintiff,

v.

BLUEWORKS CORPORATION, *et al.*,

Defendants.

Case No. 3:20-cv-710-MOC

**MOTION FOR WITHDRAWAL OF COUNSEL**

Pursuant to Local Civil Rule 83.1(f), Christina Davidson Trimmer and Samuel Alexander Long, Jr. of Shumaker, Loop & Kendrick, LLP (“Shumaker”) move this Court for an Order allowing their withdrawal as counsel for Defendants Ningbo C.F. Electronic Tech Co., Ltd., Ningbo Yishang Import and Export Co., Ltd., and Blueworks Innovation Corporation (“Non-Debtor Defendants”). Shumaker will continue to represent Blueworks Corporation in accordance with its employment on behalf of the Blueworks Corporation Bankruptcy Estate.

As the basis for this Motion, Shumaker states as follows:

1. On April 11, 2024, this Court granted Plaintiff Hayward Industries, Inc.’s Ex Parte Motion and entered the “Temporary Restraining Order” (“TRO”) enjoining any withdrawal, transfer, or disposition of assets presently held in any bank accounts owned or controlled by Defendants. [DE 393]. The TRO was set to expire at the conclusion of the hearing on the Motion for Asset Restraining Order on April 23, 2024.

2. On April 23, 2024, following the hearing, the Court issued an order to “extend the restraining order for another fourteen days, or until judgment is entered in this matter.” [DE 417].

3. On May 13, 2024, all Defendants filed a second Motion for Relief from the TRO, which included a request that Defendants be relieved from the TRO for the limited purpose of making payment to their counsel. The Court has not ruled on this motion for relief.

4. Every two weeks, Hayward filed an emergency motion to extend the TRO, which the Court has granted.

5. On May 28, 2024, this Court entered Judgment in this matter, [DE 448], and further entered an order dissolving the automatic 30-day enforcement stay provided by Fed. R. Civ. P. 62(a).

6. On May 31, 2024, Hayward filed another Emergency Motion to Extend the TRO, which the Court granted after entering Judgment. The Court has continued to grant successive Emergency Motions to Extend the TRO filed by Hayward every two weeks. As of the date of filing this Motion, this Court has granted at least thirteen (13) extensions of the TRO by text-only order.

7. As a result of the extended TRO, Non-Debtor Defendants have not able to pay Shumaker for its legal services for more than six (6) months, and therefore good cause exists to allow Shumaker to withdraw from continued representation of the Non-Debtor Defendants where it has not been paid in more than six (6) months.

8. As a further result of the extended TRO, Shumaker has not been able to make contact with an officer or authorized agent of Non-Debtor Defendants in recent weeks. As such, Shumaker is not able to obtain client consent to its motion for withdrawal.

9. Shumaker conferred with Counsel for Hayward on October 21, 2024, pursuant to LCvR 7.1(b), who stated that “[w]e take no position on Shumaker’s Motion to Withdraw.” Two

days ago, on October 19, 2024, Hayward filed papers with the Court implying that counsel for the Non-Debtor Defendants should withdraw, such that Hayward cannot now oppose the request.

For the foregoing reasons, and for good cause shown, Shumaker respectfully requests the Court grant this motion for withdrawal.

Dated: October 21, 2024

Respectfully submitted,

/s/ Christina Davidson Trimmer

Samuel Alexander Long, Jr.

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*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on October 21, 2024, the foregoing document was served on all counsel of record using the Court's CM/ECF system, which will send notification of such filing to any CM/ECF participants.

Respectfully submitted,

/s/ Christina Davidson Trimmer

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